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Attorneys for Defendant, Rony Aponte

Our File No.: 6861.00001

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**ELIZABETH MCNAIR,
ADMINISTRATOR AD PROSEQUENDUM
OF THE ESTATE OF DARRELL SMITH,
AND ELIZABETH MCNAIR,
INDIVIDUALLY,**

Plaintiffs,

vs.

**STATE OF NEW JERSEY, DEPARTMENT
OF CORRECTIONS, SPECIAL
TREATMENT UNIT, ADULT
DIAGNOSTIC & TREATMENT CENTER,
COMMISSIONER MARCUS O. HICKS, IN
HIS OFFICIAL AND INDIVIDUAL
CAPACITY, RAYMOND ROYCE, IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITY, NEW JERSEY
DEPARTMENT OF HEALTH, RUTGERS,
THE STATE UNIVERSITY OF NEW
JERSEY, D/B/A/ RUTGERS BIOMEDICAL
& HEALTH SCIENCES, UNIVERSITY
CORRECTIONAL HEALTH CARE,
CHARICE POWELL, IN HER OFFICIAL
AND INDIVIDUAL CAPACITY,
GIUSEPPE MANDARA, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY, HENRY
ACEBO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, OFFICER
JAGDAT PERSAD, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY, OFFICER
MARZETTIE SHAMBERGER, IN HIS**

HON. WILLIAM J. MARTINI, USDJ

Civil Action No.: 2:21-CV-01291

**JOINT STIPULATION OF
DISMISSAL WITHOUT PREJUDICE**

Document Filed Electronically

OFFICIAL AND INDIVIDUAL
CAPACITY, SGT. FREDDIE
RODRIGUEZ, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, OFFICER
JOSE VALENTIN, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, OFFICER
DAMI ON GILBERT, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY, OFFICER
RONY APONTE, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, OFFICER
TIMOTHY FOSTER, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY, OFFICER
BENNY PEREZ, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, SGT. TIMMIE
ORANGE, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, SGT. PHILIP
RILEY, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, LT. ANTONIO
COSTEIRO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, LT.
FRANCISCO ESTRADA, IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITY, ARTHUR BREWER, M.D.,
CCHO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, FRANK A.
GHINASSI, PHD, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY, JULIE WHITE,
MSW, CCHP, IN HER OFFICIAL AND
INDIVIDUAL CAPACITY, IHUOMA
NWACHUKWU, M.D., IN HER OFFICIAL
AND INDIVIDUAL CAPACITY,
BHARATKUMAR R. PATEL, M.D., IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITY, BENEDICTA KONAMAH,
RN, IN HER OFFICIAL AND
INDIVIDUAL CAPACITY, BALMATEE
NAIDOO, R.N., IN HER OFFICIAL AND
INDIVIDUAL CAPACITY, YVONNE P.
PADEN, R.N., IN HER OFFICIAL AND
INDIVIDUAL CAPACITY, MARIE
COLTILDE FLEURANTIN R.N., IN HER
OFFICIAL AND INDIVIDUAL
CAPACITY, DELORES GUIDA, R.N., IN
HER OFFICIAL AND INDIVIDUAL
CAPACITY, JOHN DOES 1-20, JANE
ROES 1-20, IN THEIR OFFICIAL AND

**INDIVIDUAL CAPACITY, AND ABC
COMPANY/ CORPORATION, 1-10)
(FICTITIOUS NAMES),**

Defendants.

Elizabeth McNair, Administrator Ad Prosequendum of The Estate of Darrell Smith, and Elizabeth McNair, Individually (“Plaintiffs”), and Rony Aponte (“Defendant Aponte”) hereby stipulate and agree as follows:

1. All Counts of the Second Amended Complaint are dismissed without prejudice against Defendant Aponte only, with each party to bear their own costs, including any attorneys’ fees and other expenses of this litigation with respect thereto.

2. Accordingly, there are no remaining claims against Defendant Aponte, who is hereby dismissed entirely from this action without prejudice.

3. Defendant Aponte further agrees that if Plaintiffs choose to re-file the above-referenced action against him, Defendant Aponte will not assert the Statute of Limitations as a defense to such re-filed action.

4. Plaintiffs have not received, and will not receive, any monetary consideration in connection with this voluntary dismissal.

By: /s/ Tracey Hinson
Tracey C. Hinson

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Dated: 8/17/22

By: 
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